

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH  
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY FIRST DAY OF DECEMBER  
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE SRI JUSTICE N.V. RAMANA**

**WRIT PETITION NO.23778 of 2004**

Between:

Ch. Srinivas Reddy, S/o. Chinnam Reddy,  
R/o. Kowdipally Village, Post and Mandal Medak,  
Medak District.

**..... PETITIONER**

AND

Qutubullapur Municipality, rep by its Commissioner, Qutubullapur, R.R. District.

**.....RESPONDENT**

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a Writ of Mandamus or any other appropriate Writ, Order or Orders, Direction or Directions declaring the action of the Respondent in not granting construction permission to the petitioner in respect of Plot Nos. 14 and 15 in Sy. NO. 44/A, Qutubullapur Village and Mandal, Ranga Reddy District on the ground of pendency of O.S.

No. 1410/2003 in the Civil Court as arbitrary, illegal and unsustainable and to issue a consequential direction to the Municipality to grant construction permission to the petitioner.

**Counsel for the Petitioner: MR.V.SRINIVAS**

**Counsel for the Respondent: MR. POLISETTI RADHAKRISHNA**

**The Court, at the stage of admission, made the following:**

**ORDER:**

This writ petition is filed seeking to declare the action of the respondent-Municipality in not granting construction permission to the petitioner in respect of Plot Nos.14 and 15 situated in Survey No.44/A, Qutubullapur Village and Mandal, Rangareddy District on the ground of pendency of O.S.No.1410 of 2003 in the Civil Court as illegal and arbitrary and consequently to direct the respondent to grant construction permission to the petitioner.

The case of the petitioner is that he purchased the property in question under the registered sale deed dated 27.10.2003. It is stated that his vendors got the said property on the basis of the compromise entered into between the co-sharers and parties to the partition suit in O.S.No.43 of 1995 on the file of I Additional Senior Civil Judge, R.R. District. That in pursuance of sale, the petitioner made an application seeking permission for construction in the said property and the same was rejected by the respondent-Municipality by an order dated 25.06.2004 on the ground that a Civil Suit in O.S.No.1410 of 2003 on the file of the

I Additional Senior Civil Judge, R.R. District is pending. It is stated that the said suit O.S.No.1410 of 2003 was filed by one K.M. Pandu against the vendors of the petitioner for specific performance of 40% of land situated in Survey No.44/A and the land claimed in that suit has nothing to do with the subject plots of the petitioner. As against the said rejection orders, the petitioner filed W.P.No.12020 of 2004 and this Court by an order dated 28.09.2004 disposed of the said writ petition directing him to obtain necessary clarification from the Civil Court in O.S.No.1410 of 2003. It is stated that unfortunately his counsel did not appear before this Court at the time of hearing of said writ petition and failed to bring to the notice of this Court that the said suit was disposed of on 07.09.2004 itself by way of a compromise decree and the suit property is entirely different from his plots. Hence, the present writ petition came to

be filed.

Heard the learned counsel for petitioner and learned Standing Counsel for respondent-Municipality.

Learned counsel for the petitioner submits that the application of the petitioner seeking permission for construction in respect of Plot Nos.14 and 15 in Survey No.44/A of Qutubullapur village and Mandal was rejected by the respondent-Municipality on the ground that a Civil Suit O.S.NO.1410 of 2003 on the file of the I Additional Senior Civil Judge, R.R. District is pending between him and private parties. He further submits that subsequently the proceedings of the said suit were terminated on a compromise entered into between the parties, and hence, the petitioner again submitted a representation before the respondent-Municipality on 28.06.2004 for reconsideration of the earlier rejection order passed by it. But, no action is being taken so far.

However, learned counsel for the petitioner and learned Standing Counsel for respondent-Municipality agreed to dispose of the writ petition at the admission stage itself with a direction to the petitioner to file a fresh application for sanction of plan and on such application the respondent may consider the same.

Having regard to the facts and circumstances of the case, without keeping the writ petition pending, I deem it appropriate to dispose of the writ petition at the stage of admission with the following directions.

The petitioner is at liberty to file a fresh application before the respondent-Municipality seeking sanction of plan for construction in respect of the property in question and on filing such application, the respondent-Commissioner is directed to consider the same, taking into consideration of the disposal of the suit in O.S.No.141 of 2003, and pass appropriate orders thereon in accordance with law, expeditiously. No costs.

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**(N.V. RAMANA, J)**

Date: 21.12.2004

Nsr/Mrr

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Commissioner, Qutubullapur Municipality, Qutubullapur, R.R.

District.

2 Two CD copies.